

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**GOMESINDO MENDEZ, ID # 39506-177, )**

**Movant,** )

**VS.** )

**No. 3:12-CV-4261-D-BH**

**No. 3:09-CR-0318-D (02)**

**UNITED STATES OF AMERICA,** )

**Respondent.** )

## RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Pursuant to 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred to the United States Magistrate Judge.

Before the Court is the *Application to Proceed Without Prepayment of Fees and Affidavit* on appeal, received October 7, 2013 (doc. 16).

- ( ) The motion for leave to proceed *in forma pauperis* on appeal should be GRANTED.
- (X) The motion for leave to proceed *in forma pauperis* on appeal should be DENIED because the movant has not shown that he is a pauper.

**If the Court denies the request to proceed *in forma pauperis* on appeal, movant may challenge such denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).**

**SIGNED** this 9th day of October, 2013.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE